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May 24, 2022

Via ECF

Honorable Stewart D. Aaron
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street, Room 1970
New York, NY 10007

Re: *United States of America and States of the United States, ex rel.
Donohue v. Richard Carranza, et al.; Case No: 1:20-cv-5396-GHW*

Dear Judge Aaron:

This office represents Defendants Wake County Public School District and Superintendent Cathy Quiroz Moore (hereinafter “Wake County Defendants”). Pursuant to Your Honor’s most recent Order, dated May 18, 2022 (Docket Number 152), Wake County Defendants hereby withdraw their pending motion to dismiss (Docket Number 106) (hereinafter “the motion”) and agree to join the Moving Defendants’ consolidated briefing schedule.

The undersigned met and conferred with Attorneys Willey and Dennis, whom have subsequently notified the remaining Moving Defendants’ attorney of the intention to withdraw. The undersigned also contacted Plaintiff-Relator’s counsel via email on May 20, 2022 advising of the intention to withdraw the motion, join the new briefing schedule, while offering to discuss same. To date, Plaintiff-Relator’s counsel has not responded.

Accordingly, Wake County Defendants respectfully request this Court to withdraw their motion to dismiss and subsequently join the Moving Defendants’ briefing schedule. Should this Court require any additional efforts by the undersigned, kindly advise.

Respectfully,

/s/ John A. Darminio
John A. Darminio

Via ECF

Cc: All counsel of record

So Ordered

Honorable Stewart D. Aaron, U.S.M.J.